

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 5:05CV202  
(STAMP)

ROBERT V. GILKISON,  
PEIRCE, RAIMOND & COULTER, P.C.,  
a Pennsylvania professional corporation  
a/k/a ROBERT PEIRCE & ASSOCIATES, P.C.,  
a Pennsylvania professional corporation,  
ROBERT PEIRCE, JR., LOUIS A. RAIMOND,  
MARK T. COULTER, and RAY HARRON, M.D.,

Defendants.

**ORDER DENYING MOTION TO MODIFY**  
**SCHEDULING ORDER AS MOOT**

On October 2, 2006, the defendant, Peirce, Raimond & Coulter, P.C. ("the Peirce Firm") filed a motion to modify the amended scheduling order. In its motion, the Peirce Firm requested an extension of time to complete discovery on matters related to the affirmative defenses pled by the defendants in their answers to the complaint. At the status and scheduling conference held on July 12, 2007, the parties agreed that the motion to modify the scheduling order is moot in light of the current posture of the case. Accordingly, the Peirce Firm's motion to modify the scheduling order is DENIED as MOOT.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: July 13, 2007

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE